Court No. 2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

First Appeal No. 1062 of 2001

Bhim Singh & two Others..... Claimants/Appellants.

Versus

United India Insurance Company,
40 Arhat Bazar, Saharanpur Chowk,
District Dehradun and two others
.....Opp.parties/Respondents.

.....

Hon'ble P.C.Verma,J.
Hon'ble B.S.Verma,J.

This appeal has been preferred by the claimants /appellants against the judgment and order dated 26.06.2001 passed by the District Judge/Motor Accident Claims Tribunal, Dehradun in Motor Accident Claim Case No. 159 of 2000 for enhancement of the amount of compensation awarded by the Tribunal.

The claim petition was filed for a compensation of Rs. 15,00,000/- on account of death of deceased Sri Jitendra Singh, son of claimants Nos. 1 & 2 and brother of claimant No.3, in an accident on 25.06.2000. It was stated that on the date of accident the deceased was going at about 4.00 P.M. on his Motor cycle No. UP 07-L/820 from the side of Suddhowala towards Prem Nagar. When he reached near Kehri Village, Truck No. UP 09-A 3586 coming from the opposite direction dashed against the Motorcycle of deceased causing the death of deceased on the spot. At the time of accident the said Truck was being driven by its driver Satanjai Thapa-opposite party No.1. The deceased was a Rifleman in the Indian Army and was earning Rs. 6000/- per month as salary.

The learned Tribunal, on the pleadings of the parties, framed issues and held that the alleged accident resulting into the death of the deceased did occur due to the negligence on the part of the driver of Truck No. UP 07-A/3586. It has also been held that the deceased and the driver of the offending vehicle were having their valid driving licence. The Tribunal has decreed the claim petition for Rs. 1,90,000/- as compensation against the opposite party-United India Insurance Company. Aggrieved by this judgment and order, the claimants have come up in this appeal for enhancement of the amount of compensation.

We have heard Sri V.K.Kohli, learned Senior Advocate for the claimants and Sri K.S.Mehta, learned counsel for the United India Insurance Company. Learned counsel for the parties agree that the appeal may be disposed of by enhancing Rs. 70,000/- (Rupees seventy thousand) in addition to the amount awarded as compensation by the learned Tribunal. Therefore, the appeal is disposed of in terms of the said compromise arrived at between the parties. The judgment and decree dated 26.06.2001 passed by the District Judge/Motor Accident Claims Tribunal, Dehradun shall be modified accordingly.

(B.S.Verma,J.) **(P.C.Verma,J.)**

06.08.2004
P.Singh